



July 6, 2005 BZA
~~September 7, 2005 BZA~~
~~March 1, 2006 BZA~~
May 3, 2006 BZA

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

05AN0300

Sharon H. and Jeffrey N. Tipton

Matoaca Magisterial District
Vicinity of 6223 Matoaca Road

REQUEST: A Variance to use a parcel of land which has no public road frontage for dwelling purposes in an Agricultural (A) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.
- B. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.

GENERAL INFORMATION

Location:

This request lies on thirteen (13) acres located approximately 600 feet southeast of Matoaca Road, measured from a point approximately 2,420 feet northeast of Hickory Road in the vicinity of 6223 Matoaca Road. Tax ID 780-620-8925. Access will be across Tax ID 780-620-Part of 4867 (Sheet 41).

Existing Zoning:

A

Size:

13 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A; Residential and Vacant

South - A; Residential

East - A; Residential

West - A; Residential

Utilities:

Private well and septic system

General Plan:

(Southern and Western Area Plan)

Residential
(1.01 - 2.5 units per acre)

DISCUSSION

The applicants request a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The access to the dwelling will be over a private easement from Point A to Point B, as shown on the attached map.

The applicants provide the following justification in support of this request:

We would like to purchase the land and build a residential home. The home will not be built for another 3 – 5 years.

The subject property is owned by George and Berkley Stafford and was created on April 19, 1972. It is located approximately 600 feet southeast of Matoaca Road and contains thirteen (13) acres. The applicants plan to purchase this property from the Stafford's and build a single family dwelling. In order to develop this property for residential purposes, it would need to meet all standards set forth in the Subdivision and Zoning Ordinances relative to the zoning district. The Subdivision Ordinance states "parcels and/or lots recorded prior to January 1, 1980 shall be considered buildable if they meet all standards relative to the appropriate zoning district. If

frontage and width standards cannot be met, the parcel or lot is eligible to apply for a Variance". Therefore, the applicants are applying for relief to the Zoning Ordinance relative to the fifty (50) foot road frontage requirement (Section 19-551).

The Board of Zoning Appeals hears requests for no public road frontage, when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner's immediate family or complies with the plat validation process. In this case, the property was recorded in 1972. Therefore, the Board must determine if a public road must be constructed to State standards or a Variance granted for no public road frontage.

Staff visited the property and observed the access and lot are unimproved.

Staff notes that the property owners have indicated that they are attempting to obtain a new access to the right of an existing graveled road (easement). This new access will be across an adjacent property located at 6223 Matoaca Road. The applicants and property owner have deferred this request since July 6, 2005, in an attempt to gain access to the subject property.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects. Conditions 2(b), 2(c) and 2(e) will cover their concerns.

As required by the Zoning Ordinance, the applicant has provided no information that would serve as a basis for granting this Variance. Staff finds no physical surrounding, shape or topographical conditions on the property that would present a particular hardship to the property owner if this Variance were denied. Staff finds no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

Staff believes that this request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request.

Staff believes that the Board should deny this request for the reasons previously noted.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

CONDITIONS

1. When the applicants apply for a building permit, the applicants shall provide a copy of a recorded instrument which will include:

A thirty (30) foot wide private access easement from Point A to Point B as shown on the plat attached to the staff report.

2. The private access easement shall meet the following requirements:
 - (a) The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below;
 - (b) A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine its compliance with the following standards:
 - (c) The roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
 - (d) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - (e) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - (f) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
 - (g) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - (h) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.
3. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers.
4. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided.

CASE HISTORY

07/06/05:

The Board deferred this request to their September 7, 2005, meeting to allow the applicants additional time to obtain the appropriate access easement.

08/24/05:

Staff contacted the applicants who indicated they have not been able to obtain the appropriate access easement.

09/07/05:

The Board deferred this request to their March 1, 2006, meeting to allow the applicants additional time to obtain the appropriate access easement.

02/10/06:

Staff contacted the applicants who indicated they have not made any further progress in securing the appropriate access easement.

03/01/06:

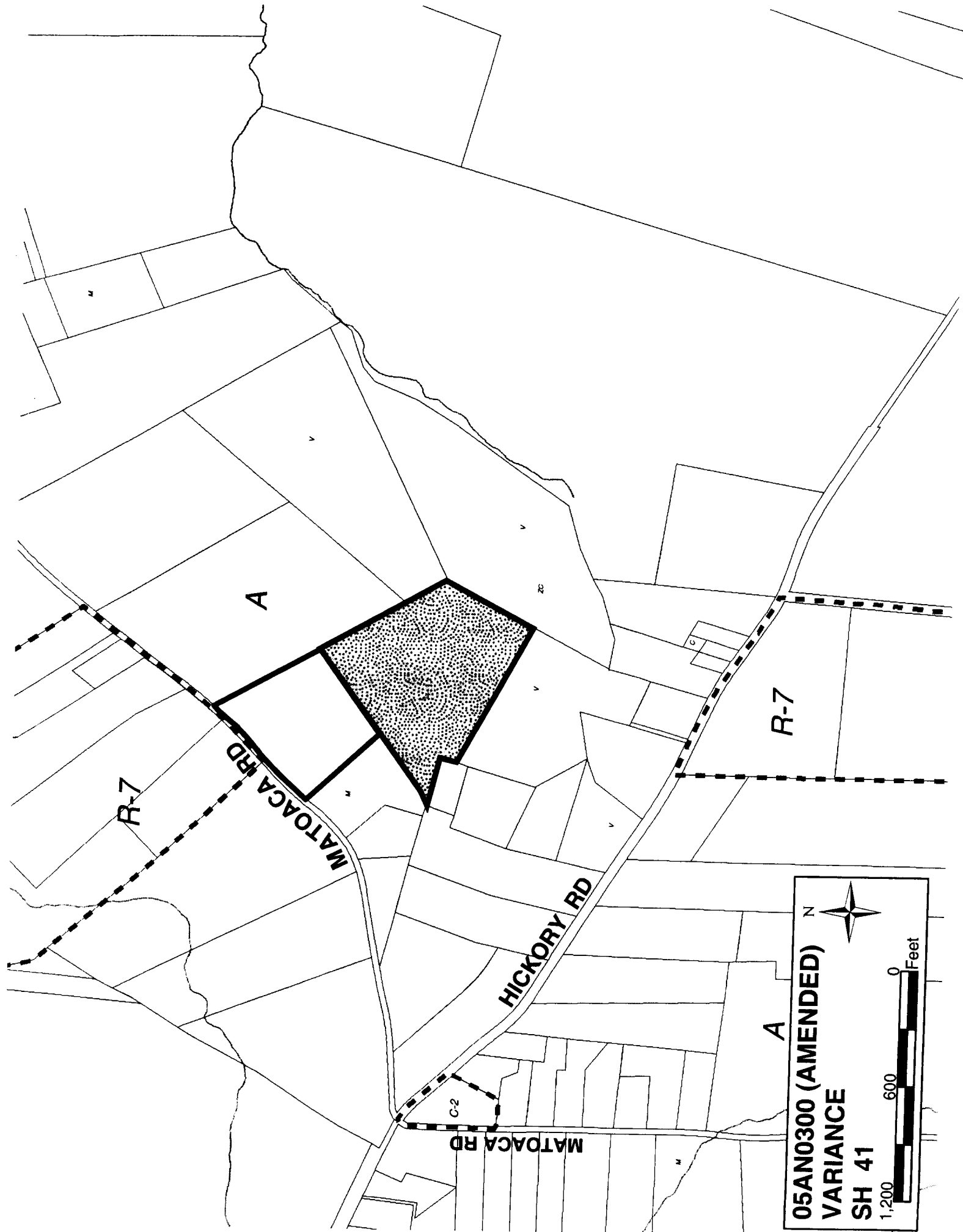
The Board deferred this request to their May 3, 2006, meeting to allow the applicants additional time to obtain the appropriate access easements.

04/06/06:

Staff contacted the property owners who indicated they were working with an adjacent property owner to obtain an access easement.

04/07/06:

The property owners amended the application to add a new parcel identification number for the new access easement.



05AN0300 (AMENDED)
VARIANCE
SH 41

1,200 600 0 Feet

N



A

POINT A

POINT B

MATOACA RD

R-7

HICKORY RD

05AN0300-1